

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

<b>CHALMERS A. SIMPSON, JR.,</b>	:	<b>Civil No. 1:21-cv-1205</b>
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>VISION PROPERTY</b>	:	
<b>MANAGEMENT, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	<b>Judge Sylvia H. Rambo</b>

**ORDER**

Before the court is a report and recommendation of Magistrate Judge Saporito (Doc. 13) in which he recommends that the court *sua sponte* dismiss the *pro se* complaint for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1). Objections to the report and recommendation were initially due on August 19, 2021, but the court granted two motions for an extension of time filed by Plaintiff Chalmers Simpson, Jr., bringing the objection deadline to October 19, 2021. On that date, Mr. Simpson filed a motion for a pretrial conference (Doc. 17) in which he requests that the court allow him to present evidence in person prior to filing objections. He notes in his request that Magistrate Judge Saporito failed to properly review a statement of jurisdiction Mr. Simpson filed in response to an order to show cause (Doc. 23), wherein he contends that this court may exercise personal jurisdiction over the defendants.

Following an independent review of the record, the court agrees with Magistrate Judge Saporito that this court lacks subject matter jurisdiction over this case. No federal cause of action is apparent from the face of the complaint, *see* generally 28 U.S.C. § 1331 *et seq.*, and the court lacks diversity jurisdiction over the matter because the plaintiff and at least one defendant are both citizens of Pennsylvania, *see* 28 U.S.C. § 1332.

Accordingly, IT IS HEREBY ORDERED as follows:

- 1) The report and recommendation is ADOPTED;
- 2) The request for a pretrial conference (Doc. 17) is DENIED;
- 3) The complaint is *sua sponte* DISMISSED without prejudice for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1);
- 4) The Clerk of Court is DIRECTED to close this case.

s/Sylvia H. Rambo  
Sylvia H. Rambo  
United States District Judge

Dated: November 9, 2021